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DIVISIONAL FOREST OFFICE
SOUTHERN CIRCLE
WORKING PLANS PART II

LEAVE OF ABSENCE.

1. The Government of India have recognized the principle of granting casual leave. The object of the rule limiting the number of days to be taken on such pleas as headache, fever, death of relatives, &c., &c., was to check and limit absence from office for a day or so at a time on such grounds, whereas the absence contemplated under the Absentee Rules is of quite another description. Occasional leave on the grounds above mentioned cannot be refused or denied, and it seems quite unnecessary that such cases should be referred to Government, even when the officer is nominated by Government.

His Excellency in Council, however, believes that the intentions of Government are much misunderstood and abused, and that applications for leave *away from their stations* are often submitted by subordinate officers under the head of casual leave, and that they are sometimes complied with. This abuse of the privilege should be put a stop to.

(G. R. No. 3568, dated 8th October 1860.)

2. It is not considered expedient to publish any regulations for casual or unofficial leave. It must be left to the discretion of heads of offices and departments acting under the general control of the Government. The Governor General in Council feels assured that the liberty now recognized will be restrained within such limits as not to relax the responsibilities of the officers taking advantage of it or to impair the efficiency of the administration in any of its branches. (G. I.,F. D., No. 6, dated 6th January 1875; *vide* G. R. No. 492, dated 8th February 1875.)

3. The concession as to unofficial leave should be restrained within proper limits. It is now more than ever the duty of the supervising officers to see that the liberty hitherto tacitly enjoyed is not extended beyond what has been allowed hitherto, and heads of departments will be held strictly responsible by Government for reporting at once any approach to an abuse.

Officers who may leave their posts on unofficial leave carry their responsibilities with them, and as Government officially recognize no other kinds of leave to gazetted officers than those laid down in the Civil Service Regulations, it follows that casual leave can never be admitted as a plea for anything going wrong. (G. R. No. 492, dated 8th February 1875.)

4. It is not the function of the Accountant General to take cognizance of the absence of officers from their posts, unless such absence is brought to his notice officially *as unauthorized*. Unless an officer is reported to the Accountant General as having been absent without leave, his pay and allowances should not be retrenched.

Government orders of December 2nd, 1858, and February 28th, 1861, quoted in Rule 35, Chapter V,

at page 112 of Nairne's Revenue Hand-book limiting in the case of Subordinate Establishment the grant of casual leave to 20 days in each year or 7 days at one time were passed to regulate the discretion as to grant of unofficial leave allowed to heads of offices, and are for the guidance only of heads of offices. It would be a departure from the instructions contained in the letter from the Government of India, No. 6, dated 6th January 1875, if the Accountant General were to attempt to enforce these orders. If an official return shows an officer to be absent, it will of course be necessary for the Accountant General to ascertain whether the absence was authorized, but if the head of the office reports that the absence was on casual or unofficial leave, that is sufficient. Under Government Resolution No. 492, dated 8th February 1875, the responsibility for seeing that the concession of casual or unofficial leave is kept within proper and prescribed limits and for reporting any abuse, rests on heads of offices. (G. R. No. 9, dated 4th January 1897).

Heads of departments are reminded of the importance of preventing any abuses of the privilege, as such would infallibly end in its summary abolition.

(G. R. No. 2397, dated 29th July 1875.)

5. Casual leave cannot be prefixed or added to public holidays or to any leave of any description. It is only to be granted to meet unexpected contingencies. (G. Rs. Nos. 3461, dated 27th October 1875, 4050, dated 7th December 1875, and 320 dated 22nd January 1876.)

6. As it is advisable to discourage as much as possible all allusion in official documents to casual or unofficial leave, it is objectionable that casual absences should be shown in pay or travelling allowance bills. (G. I., F. D., No. 32, dated 7th January 1876; *vide* G. R. No. 1551, dated 4th April 1876.)

7. The previous permission of the controlling officer is (except in emergent cases) necessary before an officer can leave his district on unofficial leave. (G. R. No. 2176, dated 18th May 1876.)

8. It has recently come to the notice of the Governor in Council that an officer of Government in an independent position of great trust and responsibility was absent from his charge for nearly a fortnight on non-official leave for reasons that can with difficulty be held to justify so long an absence. The Governor in Council desires it to be generally understood that, though the advantage which officers of rank may take of non-official leave has hitherto been left entirely to their own scrupulous sense of duty and their public spirit, it is obvious that a stricter rule must be laid down and enforced should any other instance arise similar to the one under notice.

Non-official leave is intended to meet the case of a casualty for which provision cannot easily be made by exact rules. It is a privilege of the utmost value to the public service, and it has been so rarely abused that the absence of any rule has hitherto enhanced its value.

The attention of all officers is drawn to the orders* of the Government of India embodied in the preamble to this Government Resolution No. 3382, dated 16th December 1887, Financial Department.

(G. C. No. 1130, dated 26th April 1888.)

9. The suggestion that holidays may be included in a period of casual leave is practically a proposal that an officer may add to the length of any sanctioned holidays by taking casual leave either immediately before or immediately after them and cannot be entertained. (G. R., R. D., No. 4490, dated 7th July 1888.)

10. A constable who is in hospital may be considered to be on casual leave provided his absence from duty is only for a *short* period, or on privilege leave provided he has the leave to his credit. Failing these conditions his case must be governed by the rules regarding leave in hospital which involve an interruption of duty. (G. R. No. 4411, dated 5th November 1889.)

11. If leave has been fairly earned by previous service, it should not be withheld merely because the applicant states that he may at the end of the year resign the Government service.

The fact that the Government service is often a stepping stone to lucrative private employment, must have a good effect in bringing in good men. If Government wish to retain them, they might do so by giving higher pay and pensions. The refusal of leave under these circumstances might deter men from entering the Government service and may induce them to fabricate more plausible excuses, but is hardly likely to retain a really useful man.

Nor would Government ever in ordinary times try to force men to stay in their service. For these reasons, His Excellency the Governor in Council would always grant leave to men who have earned it, even when the object of asking it is as here shown.

(G. L., R. D., to the Commissioner of Customs, Salt and Opium, No. 3224, dated 25th August 1864.)

12. Copies of applications for sick leave made direct to Government should be invariably sent by the applicants to controlling officers for their information. (G. R., R. D., No. 384, dated 30th January 1866.)

13. When a clerk in an office takes leave, the head of the office is competent to decide how many officiating appointments should be made within the

* Embodied in Articles 71—74 of the Civil Service Regulations.

sanctioned complement. (G. I., F. D., No. 2653, dated 29th August 1873; *vide* G. R. No. 3297, dated 12th September 1873.)

14. Examination leave granted to uncovenanted officers should be notified by the head of the department who grants it in the *Government Gazette*. (G. R., R. D., No. 1802, dated 6th April 1874.)

15. Government servants who have to attend to emergent work during general holidays are not entitled to subsequent leave to make up for it. (G. R. No. 1368, dated 2nd May 1874.)

16. It should be clearly understood that the leave rules are not to be relaxed, because a Government servant happens to be a plaintiff or defendant in any suit. (G. R., R. D., No. 1937, dated 1st April 1875.)

17. All applications for leave of absence should state the precise day* on which it is desired that the leave of absence shall commence, otherwise it is impossible to make proper arrangements for the conduct of their duties.

Government reserve to themselves the right to refuse permission to withdraw an application for leave of absence, after arrangements have been made for the performance of the duties of the applicant.

In the case of a substantive holder of an appointment taking furlough, or being employed elsewhere, the officer appointed to act during such furlough or other employment shall not be liable to be removed until the resumption of his office by the substantive holder, or until such office shall be otherwise permanently vacated.

An officer appointed to act in any office "until further orders" will at all times be liable to transfer at the pleasure of the Government.

In the case of vacancies caused by officers obtaining leave of absence not exceeding three months temporary appointments will be made with regard to the convenience of the public service for the time being.

An appointment of this temporary nature will not be regarded as giving the officer nominated any special claim to a more permanent tenure of the same or any similar office.

(G. Rs., R. D., Nos. 342, dated 15th January 1876 and 554, dated 1st February 1879.)

18. The advance to officers taking privilege leave, whose salary is less than Rs. 200 a month, (*vide* Article 297, Civil Service Regulations), may be given on the day the officer takes the leave. (G. I., F. D., No. 3676, dated 28th October 1876; *vide* G. R. No. 4571, dated 7th November 1876.)

*Article 909 of the Civil Service Regulations lays down that, unless specially otherwise ordered, leave must begin within 35 days of the date on which it is granted.

19. If privilege leave ends on a working day, Article 254 of the Civil Service Regulations does not apply, and in such a case if an officer does not rejoin on due date he forfeits pay until he rejoins, the date on which he is to be considered to have rejoined being the actual date on which he assumes charge, whether or not that day immediately follows authorized holidays. (G. I., P. W. D., No. 67-G, dated 15th January 1884; *vide* G. R. No. 476, dated 5th February 1884.)

20. As the clerks serving in offices attached to the High Court, Bombay, which does enjoy regular vacations, do not themselves enjoy regular vacations during which they are permitted to be absent from duty, Article 306 of the Civil Service Regulations does not apply to them and they are eligible for privilege leave under the ordinary rules. (G. I., F. & C., No. 1004, dated 23rd May 1885; *vide* G. R. No. 1698, dated 9th June 1885.)

21. As a rule all the clerks on the establishment of the Court of Small Causes, Bombay, are required to remain in Bombay and to attend office on certain fixed days as well as on any other days on which they may be required during vacations. The clerks that have to remain in Bombay during the vacations in order to attend office when required to do so cannot enjoy a regular vacation during which they are permitted to be absent from duty. Such clerks are therefore eligible for privilege leave under the ordinary rules. (G. I., F. & C., No. 1625, dated 26th June 1886; *vide* G. R. No. 2219, dated 27th July 1886.)

22. In reply to the enquiry made by the Accountant General in his following letter No. G. A.-10267, dated 11th July 1893, it was held by the Government of India that the officer therein named was entitled to privilege leave under the ordinary rules in respect to the service rendered by him subsequent to the Court's vacation of 1892:—

"I have the honour to refer for orders the following case:—

"Mr. _____, District Judge of Násik was granted privilege leave on half pay on the plea of urgent necessity under Article 306 (*b*) of the Civil Service Regulations. He has not since rejoined his appointment of District Judge, having received orders while at Násik that he was to act as Secretary to Government, and having taken charge of this appointment on the 5th April. He availed himself of the leave on 8th March, and from 30th March his joining time began. The Court's vacation commenced on 17th April, but only half pay has been allowed to him for the 22 days of privilege leave taken. He now contends that as he has not availed himself of the vacation of 1893, he is entitled to full pay by reason of the continuous service rendered since the vaca-

tion of 1892. His contention appears to me reasonable and in accordance with the spirit of the note to Article 307, but the rules do not provide for the case of an officer transferred from a vacation to a non-vacation department. I have the honour to enquire whether the full pay during this privilege leave may be admitted."

(G. I., F. & C., No. P.-4269, dated 3rd October 1893; *vide* G. R. No. 3719, dated 25th idem.)

23. The Collector of Income Tax for the Town and Island of Bombay is authorized to grant privilege leave to his Assistant for periods not exceeding 30 days and only when no substitute is required and no extra expense involved. The grant of such leave should be reported to Government. (G. Rs. Nos. 1028, dated 19th March 1889, 1394, dated 1st April 1889, and 1932, dated 7th June 1895.)

24. The period of leave spent in hospital by a policeman under Article 321 of the Civil Service Regulations is an interruption of duty within the meaning of Article 277. (G. Rs. Nos. 20, dated 3rd January 1889, and 812, dated 7th March 1890.)

25. The intention of the note to Article 162 (i) of the Civil Service Regulations was not to limit the manner in which privilege leave on full pay could be taken by a clerk drawing less than Rs. 100 a month. Whenever such a clerk is entitled under ordinary rules to privilege leave, he may be granted the leave on full pay up to one month, irrespective of the calendar, official or any other kind of year. (G. I., R. & A., No. 1371-35, dated 10th July 1891; *vide* G. R. No. 2938, dated 22nd August 1891.)

26. There is no objection to the practice followed in the Bombay Presidency of permitting an officer proceeding on privilege leave to prefix, under the provisions of Article 251, Civil Service Regulations, gazetted holidays to the privilege leave, if his absence involves no formal transfer of charge in the way of taking over money or the like, and if, also, it can be arranged that his *locum tenens* transferred from another station shall not assume charge of the office until the first working day after the holidays. (G. I., F. & C., No. P-3040, dated 15th July 1893; *vide* G. R. No. 2685, dated 3rd August 1893.)

27. During the travelling season it is not desirable to have privilege leave granted unless the reasons are urgent. (G. R., R. D, No. 975, dated 6th February 1890.)

28. It is always inconvenient to the public service to allow privilege leave to district officers at the commencement of the touring season. (G. R. R. D., No. 790, dated 6th November 1890.)

29. Under Section 143* (*a*), Chapter X of the Civil Leave Code, Sixth Edition, the heads of departments named below are empowered to grant privilege leave of absence for periods not exceeding †thirty days to officers under their orders who are appointed by Government, the power being exercised only in cases where no substitute is required and no extra expense is involved :—

**Vide* Article 910 (*b*), Civil Service Regulations.

†*Vide* G. R., R. D., No. 3190, dated 29th April 1895.

The Commissioner of Customs, Salt, Opium and A'bkári.

The Survey Commissioner and Director of Land Records and Agriculture.

The Conservator of Forests, N. C.

The Conservator of Forests, S. C.

The Conservator of Forests, Sind Circle.

The Superintendent of Stamps.

The Principal, Bombay Veterinary College.

If the officer who applies for such leave be a gazetted officer (*vide* Section‡ 79, Rule 2 of the Civil Leave Code,) a report should be obtained from the Accountant General on the title of the applicant to the leave applied for before it is granted, and the grant of leave should be reported to Government. (G. Rs., R. D., Nos. 2149, dated 20th March 1889, and 2569, dated 3rd April 1889.)

‡*Vide* Article 910 (*c*), *ibid.*

30. As officers of the Bombay Civil Service serving under the orders of the Government of India, but not holding any substantive appointments under that Government, would, if they were to take furlough or special leave, revert to their substantive appointments under this Government, they should be taken into account in calculating the percentage of Covenanted Civilians of this Presidency permitted to be absent on leave of the nature specified. (G. R. No. 3554, dated 7th July 1879.)

31. The inconvenience arising from the practice of officers on or shortly after their return from privilege leave applying for furlough to commence soon after the expiration of the period of three months during which they are prohibited under the rules from taking fresh leave, has recently on several occasions attracted the notice of Government. His Excellency the Governor in Council deems it accordingly expedient to notify for the information of officers in civil employ that, in future, applications for furlough to begin shortly after the expiration of three months from the date of the return to duty of an officer from privilege leave will not be favourably entertained unless the applicant is able to show special reasons for the grant to him of furlough or other leave. (G. R., R. D, No. 6234, dated 9th September 1882.)

32. Officers returning from furlough or privilege leave should call at the Secretariat on their arrival in Bombay and personally enquire their destination, as instances have occurred of officers proceeding

straight to their last appointment though gazetted to another, long and expensive journeys which might have been avoided by enquiry being thus occasioned.

Officers serving in Sind may make the enquiry above referred to at the office of the Commissioner in Sind instead of the Secretariat in Bombay, but it is desirable that such officers as are liable to serve in any part of the Presidency should when they have time to spare in Bombay on their return from leave call at the Secretariat. The above order is intended to prevent inconvenience and unnecessary expense to officers, and in no way affects the rules of the Civil Leave Code, under which furlough and special leave out of India and on the day before the arrival of the vessel in which the officer returns, while the date of return to duty from privilege leave or from any leave in India is the date of assuming charge of the office.

(G. C., R. D., No. 6727, dated 11th September 1883, and G. R., R. D., No. 6009, dated 24th July 1884.)

33. In the case of furlough, special leave and leave on medical certificate taken out of India, the leave terminates on the date previous to the day of the arrival of the vessel in which the officer returns, and in the case of leave of the same description taken in India, it terminates on the day on which the absentee returns to duty. Sanction of Government for cancellation of any unexpired portion of leave in either of these cases is, therefore, unnecessary. Permission to return to duty must, however, be obtained by the absentee (*vide* Articles 256 and 257 of the Civil Service Regulations). (G. R., R. D., No. 2466, dated 21st March 1884.)

34. It is desirable that whenever it is found necessary to order an officer to return to India before the expiration of his leave, the instructions should be communicated to him officially through the Secretary of State. (G. I., F. & C., Nos. 5358, dated 17th October 1889, and 5904, dated 23rd December 1890 ; *vide* G. Rs., R. D., Nos. 8450, dated 6th November 1889, and 313, dated 13th January 1891.)

35. The attention of controlling officers should be drawn to the necessity of bearing in mind the expected return of absentees and of seeing that officers from whom they are to receive charge are at head-quarters in due time to give over charge. (G. R., R. D., No. 4323, dated 16th June 1893.)

36. The Surgeon-General with the Government of Bombay should issue instructions that medical reports should be submitted in duplicate in all cases in which officers apply for leave to Europe on medical certificate. (G. Rs., R. D., Nos. 1580, dated 20th February 1884, and 2931, dated 7th April 1884.)

37. The rules of the Civil Leave Code should be made applicable to the members of the civil branch of the Native Subordinate Medical Establishment. (G. R. No. 851, dated 25th March 1886.)